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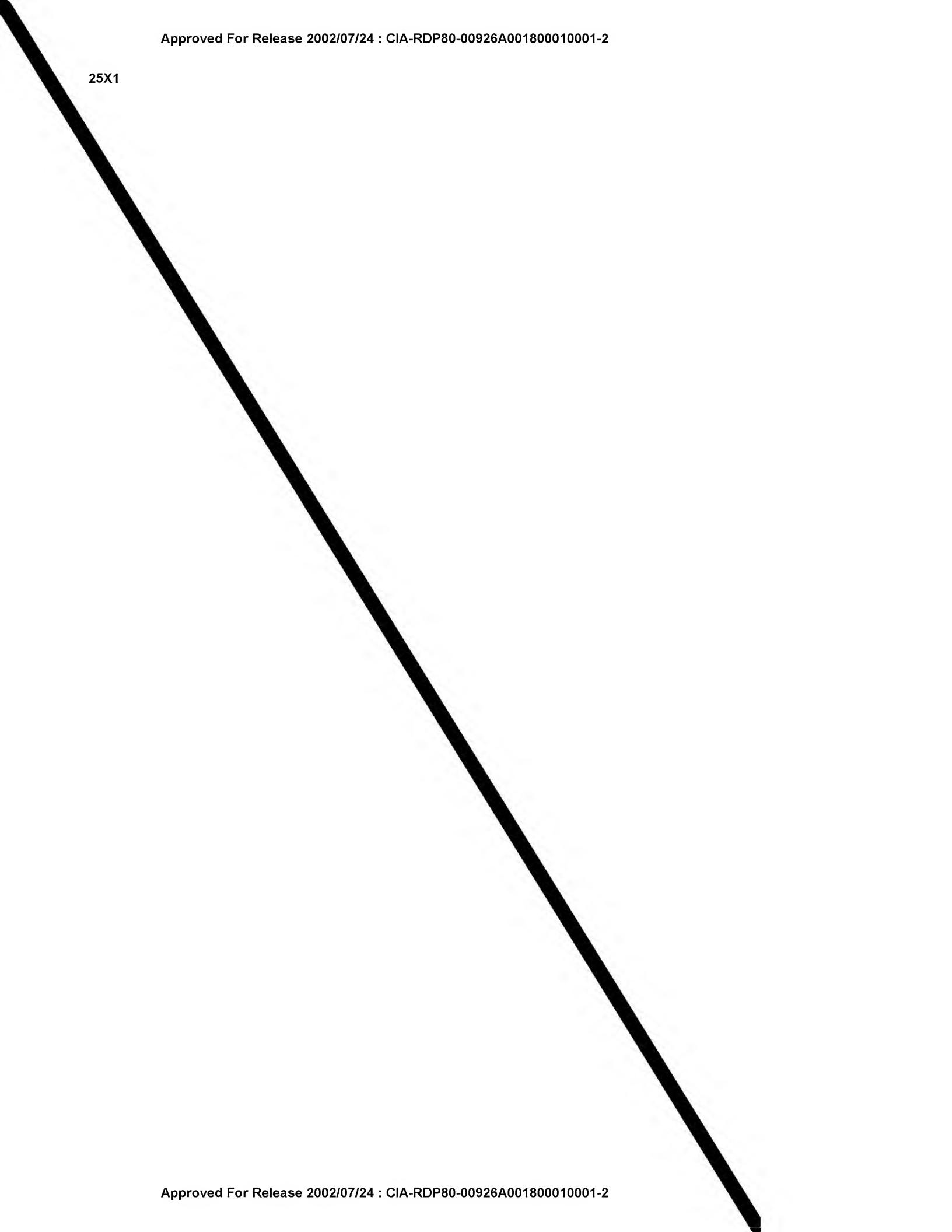
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PATENT AND TRADE MARK LAWS OF THE WORLD

RUSSIA.

(Supplement No. 300)

Regulations concerning Inventions and Technical Improvements

(24 April, 1931)

PART I.

General.

1. The present regulations affect:
 - (a) New inventions
 - (b) Technical improvements
2. An inventor has the right to demand:
 - (a) That he be recognised as the inventor, or
 - (b) That he be given the exclusive right to the inventionIn the first instance authors' rights are granted, and in the second instance a patent.
The application should specify whether the inventor wants an inventor's certificate or a patent.
3. Inventors' certificates and patents are granted only for new inventions made in the process of production.
Inventors' certificates and patents are granted on the invention of new methods of cure and the preparation of foods and other products secured by chemical means, but not for discovering the things themselves.
4. The granting of an inventor's certificate implies that:
 - (a) The right to use the invention within the boundaries of the Soviet Union belongs to the state.
 - (b) The co-operatives and other organisations of the socialist sector can use the inventions which pertain to their sphere of activity, on an equal footing with the Government institutions.

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(c) The inventor himself (or his heir), if he is an artisan or a private manufacturer, may use the invention in his own enterprise.

Other individuals, and also co-operatives not belonging to the co-operative system, may use the invention with the permission of the respective government institution in charge of the given invention, and on conditions determined by that institution.

(e) If the invention is found useful for Soviet national economy, the inventor has the right to a remuneration from the state or from the organisations concerned.

(f) If an invention not found useful for national economy is applied in any given enterprise, the inventor, or his heir, has the right to a remuneration from that enterprise. The extent of that remuneration is fixed by agreement and if no such agreement is arrived at, it is determined by court.

(g) A worker inventor has the right to the benefits mentioned in the present regulations (Arts. 93 and 104).

5. In the case of an inventor wanting a patent, the rules are as follows:—

(a) Without the consent of the person possessing the patent, no one has the right to the invention. The owner of the patent can operate his invention in accordance with the laws concerning private enterprise. Foreigners and foreign institutions may use inventions made here provided they observe the laws regulating the operation of foreign capital within the boundaries of the Soviet Union.

(b) Patents are granted for a period of 15 years. The period begins from the moment the decision is made to grant the patent, but the right of the owner to the patent begins from the moment he files the application (Art. 43).

(c) The owner of a patent may allow another person to use his invention fully or partly.

(d) Institutions, enterprises and individuals who, prior to filing the application, used the given invention within the limits of the Soviet Union, or have made all the necessary preparations for its use independent of the inventor, have the right to continue to use the invention.

(e) The owner of a patent is obliged in the course of three years from the date of the issuance of the patent, personally or through his representative, to operate his invention within the boundaries of the Soviet Union on an industrial scale.

Articles imported wholly or in part to be assembled here for use are not considered as inventions. If an invention is not put into operation within the given period, the inventions Committee of the Council of Labour and Defence issues a compulsory order upon request of the institution, organisation or individual concerned, to put the invention into operation and determines the amount to be paid out to the owner of the patent.

(f) If the invention is of great importance for the state but no agreement is arrived at with the inventor, the Inventions Committee has the right to annul the inventor's patent, or to allow others to use the patent in favour of the interested government institution. In such instances, the extent of the remuneration to the owner of the patent is to be decided by the Committee.

(g) The tax to be collected on patents is indicated in the present regulations (Art. 67).

(h) An inventor who receives a patent does not enjoy the benefits granted in the present regulations to inventors receiving an inventor's certificate.

(i) An inventor owning a patent can, before the time of that patent expires, change it for an inventor's certificate. The conditions and mode of such exchange are decided by the inventions committee.

(j) An inventor possessing inventors' certificates on some inventions and patents on others, may enjoy the benefits granted to owners of inventors' certificates provided he gives up the patents in favour of the state or exchanges them for inventors' certificates.

6. No patents but inventors' certificates are granted:

(a) If the invention is made in connection with the inventor's work in scientific research institutions, construction bureaus, experimental departments, laboratories, and similar institutions of a public nature working on research and experimentation.

(b) If an invention is made by special request of a government institution of a public organisation.

(c) If the inventor receives material aid from the Government or the respective public organisation for the working out of his invention.

7. The right to granted inventors' certificates or patents passes on by inheritance.

The right to receive a patent or to use a patent already granted can be transferred by the inventor or his heirs to any individual, and, subsequently, it may pass on from one person to another by agreement or inheritance.

The name of the inventor must be written on the inventors' certificate, or the patent, even though the inventor himself does not receive it.

Agreements as to the transfer of patents or granting the right of using them by others (Art. 5, para. C.) should be registered in the Bureau of the Inventions Committee, otherwise such agreements are void.

8. Agreements between an inventor and other individuals as to the right to future inventions are void.

9. Anyone who deliberately gives wrong information in his application about the author of the invention is amenable to law.

Similarly, people who use an invention without having the right to do so, an invention which by right belongs to the state, are also amenable to law.

Anyone violating the exclusive rights of an inventor who owns a patent must pay damages.

10. Persons proposing to a Government institution, or an organisation of the socialised sector, technical improvements, which are not new inventions, are paid if such proposals are accepted, in accordance with the specified rates (Art. 90). They also enjoy the benefits stipulated in Art. 105. They can receive certificates on the technical improvements accepted from them. Such certificates are granted by the institutions and organisations which are making use of these proposals.

11. Foreigners enjoy the same rights granted in the present regulations equally with citizens of the Soviet Union.

The Inventions Committee has the right, upon agreement with the People's Commissariat for Foreign Affairs to establish social limitations for citizens or institutions of states which do not grant similar rights to citizens and institutions of the Soviet Union.

12. Instructions concerning the application of the present regulations are issued by the Inventions Committee of the Council of Labour and Defence.

PART II.

Institutions Working on Inventions.

13. To promote the work on inventions, to give general guidance to institutions working on inventions and to regulate their activities, is the work of the Inventions Committee of the Council of Labour and Defence.

That Committee will consist of an Inventions Bureau which will decide whether the invention is new and will grant inventors' certificates or patents; a Council to deal with complaints against the decisions of the Inventions Bureau.

The regulations as to the Inventions Committee are confirmed by the Council of Labour and Defence.

Inventions Committees may be formed also by the Council of People's Commissars or by economic councils (conferences) of constituent republics, passing laws in those republics on the basis of the present regulations concerning the Inventions Committee of the Council of Labour and Defence.

14. In order to promote inventions and to bring about the most rapid and correct utilisation of inventions and technical improvements, inventions institutions are formed by the People's Commissariats of the USSR and of the constituent republics in the industrial combines and centres, the co-operative centres, the various production and transport enterprises employing more than 500 workers (including Government farms and machine and tractor stations) large construction works, and, if necessary, also in other enterprises and organisations.

Model regulations about these institutions are to be drawn up by the respective People's Commissariats and co-operative centres in agreement with the All-Union Central Trade Union Council and confirmed by the Inventions Committee of the Council of Labour and Defence, and in the People's Commissariats of the Constituent Republics which are not united, such are drafted and confirmed in accordance with the laws existing within the respective constituent republics.

15. Inventions offices in various combines and centres and also in co-operative centres, have the following tasks :-

- (a) The select inventions useful for national economy of the Soviet Union.
- (b) They work out and test useful inventions and help to put them into operation.
- (c) They organise and exchange inventions and useful technical improvements between the enterprises of a given branch.
- (d) They organise work on the finding of new inventions and technical improvements, linking that up with the general plans of rationalisation and reconstruction in the given industry.
- (e) They study the foreign patent and technical literature with the purpose of making use of achievements of foreign technique for the given branch of national economy.

- (f) They assist the inventors of valuable inventions and technical improvements.
- (g) They guide the lower inventions offices.

16. Inventions offices existing in various enterprises have the following tasks:—

- (a) To assist in the technical working out of inventions and improvements on the part of workers of the given enterprises; assist in the filling out of applications, in the securing of inventors' certificates and benefits provided by the law; upon the request of the inventors, these institutions must take upon themselves the responsibility of securing the rights of the inventor, including the inventor's certificate, in his name.
- (b) To take measures promoting the development of inventions in the enterprises; they work out tasks for the inventors, linking them up with the general plans of rationalisation and reconstruction of the given enterprise. They assist inventor's organisations, etc.
- (c) To take measures toward the timely and full utilisation of each valuable invention and technical improvement.
- (d) To inform the superior inventions office about the utilisation of inventions and improvements within the given enterprise, with the object of an exchange of experience.

17. For the purpose of scientific and technical working out and testing of inventions and improvements and also for the purpose of a systematic search for new inventions and improvements, factory laboratories, experimental factories, departments and construction bureaus, etc., are set up and scientific research institutes are fully used.

18. Governmental, industrial and factory inventions institutions are combined with the rationalisation institutions. The form of their unification is to be established by the People's Commissariat of the Workers' and Peasants' Inspection of the Soviet Union.

19. Governmental, industrial and factory invention offices must be given the necessary staff of people to be taken among inventors, shock-brigadiers and active specialists.

PART III.

The Selection and Utilisation of Valuable Inventions and Technical Improvements.

20. The selection of inventions valuable for the national economy of the USSR from the inventions brought before the Inventions Bureau of the Inventions Committee of the Council of Labour and Defence, is the business of the inventions offices representing the various branches of industry (Art. 15). These offices, upon receipt of a copy of an application with the necessary supplements, make their decision on the value of the invention, within a period of one month.

The Inventions Bureau, when testing an invention, must call the attention of the offices deciding upon the merits of such inventions which, in its opinion, would be very important for the national economy of the USSR.

Note.—The Inventions Committee of the Council of Labour and Defence, issues instructions stating exactly what branch offices there are estimating the value of inventions, the order of procedure in giving estimates, and the planning of exploitation of inventions when any such invention concerns the interest of any of the branches, and when there are several combines in one branch.

Institutions which find it inexpedient to have their own inventions offices will have their interests represented by the inventions offices of their respective People's Commissariats.

21. The estimate given of an invention in the order indicated above is final if the invention has been tried or if no test is necessary; otherwise the decision is conditional.

If a decision is conditional, the branch inventions office interested in the invention proceeds immediately with the test of it, without waiting until it is established if the invention is new or not. When the test is completed, the value of the invention is finally decided upon.

22. The branch offices reproduce the inventions or their models and make all the experiments in experimental workshops or factories, or in ordinary factories, etc. When highly complicated and big inventions have to be tested and experimented upon, the respective scientific research institutions are called upon to perform the task which is included in their programme.

When an invention has been in a factory or by some interested institution, the branch inventions office makes inquiries as to the results and decides whether additional experiments are necessary or not.

23. The inventor has the right to be present when the merits of his invention are considered (whether final or conditional). If he lives in the locality where the merits of his invention are considered, he is notified in good time when his invention will come up for consideration. If the inventor's presence is essential, he is invited, regardless of the place he lives in, and informed that his presence is necessary; the expenses incurred in such instances are reimbursed.

The trade union organisations and inventors' societies concerned have the right to be present when the merits of an invention are considered.

24. The inventor is invited to come when his invention is tested and experimented upon.

The reproducing and experimental institution decides on the order and time of invitation of the inventor.

An inventor who works for wages does not lose his employment during the time he spends in the reproduction of and the experimenting upon his invention.

If the reproduction of and experimenting upon an invention is done in the same factory or office where the inventor is employed, he receives his average wages. If this is done in some other factory or office, or if the inventor does not work for wages, the institution in charge of the reproduction and experimenting gives the inventor compensation for the time lost. The extent of the compensation is in such instances determined by the instructions of the inventions committee of the Council of Labour and Defence; in the case of wage workers the compensation cannot be less than their average wages.

25. The branch office informs the inventor of its decision (whether final or conditional), stating also its reasons.

If an invention is rejected on the ground that the device is already used in the given branch, independently of the inventor, a copy of the decision is sent to the Inventions Bureau.

26. The decision of a branch office on the merits of an invention can be appealed against before the Inventions Office of the respective People's Commissariat during a period of three months. Inventor's organisations have the right to appeal even later.

The decision of a central institution, in the absence of a branch inventions office (note to Art. 20), can be appealed against before the collegium of the given People's Commissariat.

27. When an invention is finally declared valuable, the respective economic institution draws up a programme according to which the invention is to be introduced, makes calculations as to the necessary expenditure connected therewith, and carries the programme into effect.

The inventor is always invited to help in the drawing up the programme for very important inventions, unless it is of a secret character.

Each invention has to be applied in all enterprises of the given branch in which its application would be useful.

The branch inventions office has to ensure that the invention is put into use.

28. Whenever necessary the person in charge of the branch trust or administration, and the central inventions office, must take prompt action in order that the work upon which the materialisation of the invention depends is included in the financial and production programmes of the respective branches and central institutions.

29. If an invention made in a factory or a trust, or offered to a factory or trust, can be profitably used by them, the latter should test and use the invention without waiting for a decision of its branch office, however the latter must be informed thereof.

30. If an invention, the inventor of which desires a patent, is found valuable, the branch office must negotiate with the inventor or his heir for a concession of the right to the invention. However, before a patent is granted, the amount paid for a concession of the right to an invention cannot exceed the premiums given for improvements (Art. 90).

If an invention, the inventor of which desires a patent, requires testing or further elaboration, the latter is done after an agreement has been reached with the inventor to concede his right to the invention.

If an invention is in the conditional decision considered very important for the state, but no agreement is reached with the inventor, the invention is tested and experimented upon by permission of the Inventions Committee of the Council of Labour and Defence.

If an invention is of vital importance for the state, and the inventor or his heir does not agree to concede his rights to it, the branch office applies through the central inventions office to the Inventions Committee of the Council of Labour and Defence *re* the requisition of the patent or the prescription of a licence (Para. 2 of Art. 5).

31. Suggestions for technical improvements which are not new inventions are accepted by inventions offices in the factories or trusts from people working there and from outsiders (from the latter only if their suggestions refer to the respective factories or trusts).

These offices decide whether the suggestions offered are of any value to the factories or trusts concerned and see to it that useful suggestions are adopted.

32. Inventions offices in factories and trusts must inform the branch inventions offices of all valuable improvements adopted and applied by their factories or trusts.

Such suggestions fall under Arts. 23, 25, 26, 27, 28, and, if experiments and elaboration are necessary, under Arts. 21, 22, 24.

If a suggestion is brought directly before a branch office, the latter, depending on the nature of the suggestion, either forwards it to a factory or trust concerned, or decides alone as to its usefulness, makes arrangements for experimentation and elaboration, sees to its being put into effect, as in the case of inventions.

33. Inventions and improvements highly valuable from the viewpoint of national economy of the USSR are taken special note of in the selection of inventions and improvements.

34. The person in charge of a branch amalgamation or administration appoints someone in each give case who is to be responsible for the introduction of the given invention and informs the Inventions Committee of the Council of Labour and Defence and the central inventions office.

35. If an invention which has been found valuable is not put to use within six months after the decision in its favour, the branch inventions office must inform the Inventions Committee of the Council of Labour and Defence and the Central Inventions Office thereof. The information sent in such cases must also state the causes of the delay.

If a highly important invention or improvement has not been put into operation in the course of six months, such information must be sent to the People's Commissariat of the 'Workers' and Peasants' Inspection of the USSR.

Note.--In cases upon which conditional decisions are passed (Art. 21), the six months' period begins from the day of the conditional decision.

36. The person in charge of the amalgamation, trust or factory is responsible for the swift, full and proper use of inventions and improvements in his given branch, trust or factory.

37. Expenditure involved in assisting inventors in the elaboration of inventions and improvements, in experimenting on them, and on the remuneration of inventors are covered by special funds.

The securing and expenditure of these funds are fixed by a special decree.

The finance and production programmes provide the means necessary for putting inventions and improvements into effect.

PART IV.

Applications and Verifications whether Inventions on which an Inventor's Certificate is Applied for are New Inventions or Not.

38. Only the inventor or, in the case of his death, his heir has the right to apply for an inventor's certificate.

Upon request of the inventor or his heirs, the factory or institution in which they work, or any inventions office interested in the given invention, must apply for the inventor's certificate in the inventor's or his heir's name.

Note.--Henceforward, the person in whose name an application is made, i.e., the inventor or his heir, will be referred to as the applicant.

39. When filing an application, a written statement is handed in to the Bureau of the Inventions Committee of the Council for Labour and Defence.

In that statement the name of the inventor, the nature of the invention, and the name and address of the applicant are given.

Attached to the statement should be a description of the invention with the necessary drawings.

When describing the nature of the invention, it is necessary to state everything clearly, accurately and fully so that competent persons may be able to draw conclusions on its basis. It is particularly essential to mark the distinguishing features of the invention which, in the opinion of the inventor, comprise its new elements (giving a formula of the invention).

At the same time the applicant should state his idea of the possibility of materialisation, the scope of application and the significance of the invention.

The application and all papers and drafts attached to it are submitted to the Inventions Bureau in triplicate.

Should the application not meet with the requirements given in the present article the applicant is requested, within a period of ten days, to supplement his original statements and material, for which he is given a period of not more than two months.

40. In the course of a month from the day the application is submitted, the applicant has the right to complement and add corrections to his descriptions and drafts, without altering their nature. Complements and corrections are also submitted in triplicate.

The Inventions Bureau may allow a longer period for corrections and complements upon request of the applicant, but not exceeding three months.

41. If the Inventions Bureau finds in its preliminary investigation that the proposition made by the inventor is erroneous or unrealisable, or that it is not new, the Bureau ceases to consider the matter any further. The applicant is informed to that effect and the reasons are also stated.

A decision to discontinue the consideration of an invention may be appealed against within a period of one month before the Grievance Council of the Inventions Committee.

42. If an application contains all the necessary information material, if only in one copy, and if the decision during the preliminary investigation is favorable, the Inventions Bureau issues a statement to the inventor as to his priority. The statement issued to the inventor names the invention in question, the inventor himself, the applicant, and the date the application is filed.

At the same time the Inventions Bureau sends to the Inventions branch office (Art. 15 and note to Art. 20), a copy of the statement, description and draft of the invention, indicating the day the application was made. A copy of the statement, description and draft is sent to the branch office even if the inventions bureau decides to discontinue considering the matter on the ground that the invention is not new.

Note.--If the application and the requisite supplements are submitted in less than three copies, the Inventions Bureau sends them to the branch office which makes additional copies, and if the invention is very important it makes these copies itself.

43. The day on which priority begins is the day when the application is submitted to the Inventions Bureau; in case of misunderstanding the date begins when the application is posted. If the application is not supplemented by a description and the necessary drafts the date of priority begins when the description and drafts are submitted to the bureau or when they are posted.

44. A statement concerning the priority of the application, or a proposal that the application be complemented, or information to the effect that the invention is not being considered as a result of preliminary inquiries (Art. 41), must be dispatched to the applicant within a period not later than ten days after the application reaches the bureau.

45. Each application is considered by the Inventions Bureau which decides whether the invention is new or not.

46. An invention is not considered new if it has been in use previously within the Soviet Union or abroad, or if it has been described in some publication or made public in any other way so that anyone has access to it.

However, an inventor's certificate may be granted provided :

- (a) The inventor delivered oral or written reports on his invention before scientific research institutions, in inventions offices or in enterprises where the invention might be produced, tested or used during a period of not more than six months prior to filing the application.
- (b) The invention had been used within a similar period within the Soviet Union for the purpose of experiment and improvement.

Anyone making a public statement about an invention without the consent of the inventor is brought before the Court. Such a statement does not deprive the inventor of his right to an inventor's certificate.

47. When testing an invention one must bear in mind all inventor's certificates and patents issued by the Soviet Government or by governments preceding it, the foreign literature at the disposal of the Inventions Bureau, and also technical literature published in the USSR and foreign literature accessible to specialists.

48. If an invention is made by a group of people collectively, the inventor's certificate may be issued on the name of the whole group.

Persons giving an inventor technical aid are not considered co-inventors.

49. If an invention is made in a factory or organisation, and the inventor cannot be ascertained, the inventor's certificate is issued to the given factory or organisation. All workers of the given enterprise are compensated for the invention.

50. Investigations as to whether inventions are real are made in the order of receipt of the applications and are concluded not later than six months after receipt of the application.

51. The decision of the Inventions Bureau to grant an inventor's certificate is dispatched to the applicant within a period of five days.

If the inventor disagrees with the decision of the Inventions Bureau as to his invention, he has the right to state his objections to the bureau within a period of one month after receipt of the decision. The applicant has the right personally or through his representatives to acquaint himself with all the material on the basis of which the bureau passed its decision and he may also request a copy of the material free of charge. In the last event, the date of receipt of the material by the applicant begins the term during which he has the right to enter his objections.

If the applicant enters no objections within the indicated period, the Inventions Bureau grants him an inventor's certificate and sends a copy of the certificate to the Branch Inventions office.

The Inventions Bureau considers the inventor's objections within a period of one month and makes its decision, and informs the applicant thereof. The applicant is given a month's time in the course of which he may enter a complaint to the Grievance Committee which must deal with the complaint not later than a month after its receipt.

In accordance with the decision of the Grievance Committee, the bureau issues an inventor's certificate and sends the copy of same to the Inventions Branch Office.

52. The decision of the Inventions Bureau not to issue an inventor's certificate, must be brought to the notice of the applicant who may enter a complaint to the Grievance Committee within a period of three months.

The applicant has the right personally or through his representative or representative organisations, to acquaint himself with the material on the basis of which the Inventions Bureau refused to issue a certificate, and may demand a copy of that material free of charge.

53. Any government office, any co-operative or other public organisation, and every individual, may protest within a period of three years from the day of publication of the announcement that an inventor's certificate is granted against the granting of that certificate and object to the grant, proving that the invention is not new.

In cases in which no publicity is given, the period during which a protest may be filed begins with the date of issue of the inventor's certificate.

Protests prior to the issue of inventor's certificates are submitted to the Inventions Bureau, after the issue they are submitted to the Grievance Council.

54. Any government office or public organisation or interested individual, may dispute the justice of the issue of an inventions certificate in the course of three years after the issue is announced, proving that not the recipient of the certificate but another person or group of persons made the invention.

If no publicity is given, disputes are permitted in the course of three years from the date the certificate is issued.

Disputes of this nature are brought before the usual courts, the Inventions Bureau being simultaneously informed of the matter.

55. If a dispute of this nature begins prior to the issue of the inventor's certificate, the Inventions Bureau proceeds in the ordinary way to establish whether the invention is real or not, but does not issue the inventor's certificate until the dispute is settled by the court.

If the dispute begins after the issue of the inventor's certificate, and the court finds that the person indicated in the application is not the inventor, the inventor's certificate is declared null and void. In this case the Inventions Bureau issues an inventor's certificate to the person whom the court has found to be the real inventor, fixing the priority right from the date of entry of the application.

56. Decisions of the Grievance Council are final and cannot be appealed against.

Such decisions may be revised by the Inventions Committee as the supervisor.

57. Documents and statements connected with the issue of inventor's certificates are not subject to taxation.

PART V.

The Rules for Granting Patents.

58. When filing applications for patents, the rules stated in Part IV prevail, with the following differences:-

59. An application for a patent may be filed by the inventor or by his lawful representatives, i.e., his heirs or persons to whom either the inventor or his heirs have transferred the right to the invention (Art. 7.).

60. Persons domiciled abroad must empower someone living within the Soviet Union to secure the patents for them.

The Inventions Committee of the Council of Labour and Defence decides who may act as an inventor's representative.

61. The inventor or his lawful representative must state in his application for a patent that there is no obstacle such as indicated in Art. 6 of the present regulations to the issue of a patent.

Such statement is unnecessary if the inventor is a foreigner who lives abroad.

The interested government institutions and public organisations may prove before the ordinary courts that the inventor has no right to receive a patent on the basis of Art. 6, and may demand on the same basis that a patent be declared void. Requests of this nature may be entered as long as the patent is in force.

62. Each invention must be stated in a separate application. If this condition is violated, the applicant, in order to preserve his priority right, must make separate application upon request of the Inventions Bureau within the time indicated by the Bureau.

63. If the applicant disagrees with the formulae of his patent, or with the refusal to grant him a patent and asks for a copy of the material on the basis of which the Inventions Bureau has made its decision, such material is sent at his own expense.

64. If the experts find that a patent may be granted and an agreement is arrived at with the applicant concerning the formulae of his invention, the Inventions Bureau publishes preliminarily in the organ of the Inventions Committee of the Council of Labour and Defence, the names of the applicant and the inventor and the formulae of the invention. Simultaneously, the description and drafts attached to the application are exhibited in the Inventions Bureau for all interested persons.

Any government office, any co-operative or other organisation, and also any individual may protest against the issuance of a patent in the course of three months after the preliminary publication of its formulae.

The protest must be in writing, containing detailed reasons with a supplement of the necessary material.

If no protest is entered within the period indicated, the Inventions Bureau issues the patent.

If a protest is entered it must be considered by the Inventions Bureau within a period of two months.

65. The dispatch of one copy of the application to the Inventions Branch Office for an opinion of the merits of the invention is postponed if the applicant makes a request to that effect, until the preliminary publication of the formulae of the invention (Art. 64).

66. A dispute may be raised against a patent on the ground that the invention was not new or that the inventor was not the person who received the patent, throughout the period that the patent is in force.

67. The tax on patents is as follows:-

- (a) From each applicant for a patent—an application tax.
- (b) From each granted patent—an annual patent tax.
- (c) A tax on each appeal against a decision of the Inventions Bureau.
- (d) A tax on each request to enter in the inventions register a complete or partial concession of the right to the invention.

The Council of Labour and Defence fixes the amount of the tax and the mode of its payment.

The Inventions Committee of the Council of Labour and Defence may, in some instances, release worker inventors from these taxes.

Failure to pay the annual patent tax discontinues the operation of the patent.

PART VI.

Supplementary Inventions.

68. An invention is considered supplementary if it improves some other invention on which an inventor's certificate or a patent has been granted, and if it cannot be used without the main invention.

69. If an inventor's certificate has been granted on the main invention, a subordinate inventor's certificate is issued on the supplementary invention.

In the course of four months, beginning with the date of issue of the inventor's certificate, an application concerning a supplementary invention entered by the inventor of the main invention enjoys priority right as compared with similar applications filed by other inventors during that period.

70. If the main invention upon which an inventor's certificate has been granted has not been found valuable for national economy, but is found to be so together with the supplementary invention, both (the main and the supplementary) inventions are given the compensation.

The order of compensation in such a case is determined in the instruction of the Inventions Committee of the Council of Labour and Defence (Art. 90).

71. If the main invention is protected by a patent, the inventor of the supplementary invention may choose either a patent or an inventor's certificate. The supplementary invention can be used only with the consent of the holder of the patent for the main invention.

The compensation to the person who receives a subordinate inventor's certificate is made on general principles, not before the Government gets the right to use the main invention.

A subordinate patent is issued for a term equal to that of the main patent.

72. If the main patent is voided before the term expires, for reasons which do not affect the supplementary invention, the subordinate patent and inventor's certificate become independent. A subordinate patent in such instance is in force only during the term which was originally fixed for the main patent.

In everything else a subordinate patent is on a par with an independent one.

PART VII.

The Publication and Registration of Inventions.

73. When statements are issued recognising the priority of applications which are filed in the inventions bureau, unless they are of a confidential nature, the matter is published in the organ of the Inventions Committee of the Council of Labour and Defence. In each instance the name of the invention, the inventor and the applicant, the date of application, and the branch office to which a copy of the application was sent for consideration, are mentioned.

74. Decisions to issue inventor's certificates and patents, unless they are confidential, are published in the organ of the Inventions Committee of the Council of Labour and Defence, when they become effective.

75. The descriptions and drafts of inventions on which inventors' certificates and patents are granted, unless they are confidential, are published by the Inventions Committee in the form of pamphlets which give a summary of all inventions made in the USSR.

76. The Inventions Bureau of the Inventions Committee of the Council of Labour and Defence registers all inventions except those which are of a secret character. Anyone wishing to become acquainted with the register and also with the descriptions and drafts of inventions on which inventor's certificates and patents have been granted, has the right to do so.

77. The publication of decisions re issuance of inventor's certificates or patents, and also the publication of descriptions and drafts may be delayed for a definite time upon request of the institutions of persons concerned with the consent of the Inventions Committee. In the same way the publication of such decisions may be withheld altogether.

The Inventions Committee may also postpone for a definite time or indefinitely, the review of descriptions and drafts of certain inventions by interested persons.

PART VIII.

Secret Inventions and Improvements.

78. Inventions and improvements appertaining to the defence of the country are considered confidential.

Furthermore, the Inventions Committee may, on its own initiative, or on a motion of an interested institution or branch office, declare confidential any invention which should be kept secret in the interests of the State. An improvement, which is not a new invention, may be declared confidential by decision of the interested People's Commissariat or by a branch amalgamation or administration.

79. A decision that an invention is declared confidential is immediately brought to the knowledge of the applicant, the inventor and the interested Inventions Branch Office, which in turn informs the respective enterprises, scientific research institutes, etc. Similarly, the interested People's Commissariat or branch office informs the person who proposed the given technical improvement that it has been declared confidential, and also the respective enterprises.

80. The publication of information as to secret inventions and improvements and their substance in the press or in any other way, is prohibited. Those guilty of such acts are brought before the court

81. A secret invention or improvement may be proposed exclusively to the interested Government institution of the USSR. Likewise, a secret invention or improvement may be used exclusively by the interested Government institutions of the USSR.

82. The secrecy may be removed from an invention or an improvement in the same way as it is established.

83. The inventor of an invention, which might be of importance from the point of view of defence of the country, must personally file his application either in the special department of the Inventions Committee of the Council of Labour and Defence, or in the local office of the State Political Department (GPU), or the local military department for immediate dispatch in secret order to the Inventions Committee of the Council of Labour and Defence.

84. The order of selection of valuable inventions and improvements among secret inventions and improvements appertaining to the defence of the country, the order of establishing whether they are new, whether secrecy should be removed, and also appeals against decisions thereon, is established by separate instructions.

These instructions are issued by the Inventions Committee of the Council of Labour and Defence in agreement with the People's Commissariat of the army and navy.

PART IX.

The Order of Patenting and Realising Inventions Abroad.

85. The patenting and realisation of inventions made in the USSR by people who live abroad and also inventions which have been made abroad by Soviet citizens delegated by the Government to foreign countries, is performed exclusively with the permission of the Inventions Committee of the Council of Labour and Defence in the order established by it.

The violation of this rule is subject to criminal procedure.

86. To protect the rights of an inventor abroad, inventor's certificates are placed in the same category as patents.

PART X.

Remuneration and Privileges for Inventors receiving Inventor's Certificates and persons making Technical Improvements.

87. The inventor of a valuable invention on which an inventor's certificate is granted is compensated in accordance with the decision of the branch inventions office, which also supplies the funds.

88. If an enterprise begins to use an invention before the branch office determines its value, it pays the inventor in accordance with the rules concerning premiums for improvements (Art. 90).

89. Premiums for technical improvements are paid by enterprises which use these improvements. If an improvement is adopted by several enterprises of a given branch, the premium is fixed and paid by the Inventions Branch Office with a deduction of the amount already paid.

90. The amount of the compensation is established on the basis of the instruction of the Inventions Committee of the Council of Labour and Defence.

The instruction fixes remunerations of various amounts: (1) for new inventions, and (2) for other improvements.

91. For settling complaints with regard to the amount and order of payment, a commission is formed by the corresponding People's Commissariat consisting of a representative of that Commissariat, of the trade union, and of the Workers' and Peasants' Inspection, presided over by the representative of the last-named institution.

Note.—On agreement between the People's Commissariat, the All-Union Trade Union Council and the People's Commissariat of the Workers' and Peasants' Inspection of the USSR (and for the People's Commissariats of the Constituent Republics, with the Trade Union Councils and People's Commissariats of the Workers' and Peasants' Inspection of the respective Republics), commissions may be formed by the branch amalgamations instead of by the People's Commissariat. Such commissions are comprised of representatives of these amalgamations, the trade unions and the Workers' and Peasants' Inspection, presided over by the representative of the last-named institution.

92. If an invention or improvement is made by several persons in common, the remuneration is to be divided among them. If there is no agreement among them, the question is settled on their request by court or by a public organisation.

93. A remuneration received for an invention or an improvement is in every respect in the same category as wages, immaterial as to whether the person concerned is a wage-worker or not.

94. Remunerations for inventions or improvements are not subject to taxation if they amount to less than 6,000 roubles per year. If the sum is greater than 6,000 roubles, only the part exceeding that amount is liable to taxation.

95. Inventors who have made themselves useful by their inventions enjoy housing privileges on a par with scientists.

Inventors employed in factories or institutions, if they have made useful inventions, and if they have no housing facilities, or if they live in unsatisfactory quarters, have the first right to receive rooms out of those placed at the disposal of that factory or institution.

In industrial centres the local Soviet must provide a certain number of rooms for inventors.

96. Worker inventors, if they qualify as students of high schools and universities, can on no account be rejected.

Inventors who are not workers are accepted in universities on a par with industrial workers.

97. Everything remaining equal, inventors have the first right to positions as scientific workers in scientific research and experimenting institutions and enterprises (institutes, laboratories, experimental shops and factories, etc.).

A definite number of scientific research vacancies in these institutions in the enterprises must be assigned to inventors.

98. Inventions branch offices upon invitation of the All-Union Inventors' Society, selects people known as earnest inventors for work exclusively as inventors in scientific research institutes, laboratories, construction bureaus, experimental factories and departments, etc.

They have to work according to plans adopted by the branch office and are paid according to their merits.

99. Economic institutions must assign a certain number of vacancies for inventors in their annual plans of sending people for scientific work and for the perfection of their qualifications within or outside of the USSR.

Inventors who are to be sent out in accordance with this article, are selected by the Inventions Branch Offices in agreement with the organisations concerned.

100. Inventors working on inventions while performing also their regular work enjoy the right to an additional half month's vacation.

101. Inventors who have been disabled are granted pensions upon request of the public organisations or inventions offices concerned.

102. Inventors working in factories or institutions are given preference to sanatoria, health resorts, and rest homes as compared with other people, if everything else remains equal.

103. Inventors not subject to social insurance, and also their families, enjoy all forms of medical aid on a par with insured workers and their families.

104. The children of inventors who are not workers are accepted in educational institutions, given free places in children's homes, colonies and similar institutions on a par with workers' children.

The children of deceased inventors are preferentially placed in children's homes, colonies, etc., free of charge.

105. The privileges mentioned in this part (Arts. 93 to 104) are enjoyed by worker inventors who receive inventor's certificates and whose inventions have been found valuable from the point of view of national economy of the USSR.

Persons who propose highly valuable improvements enjoy the same privileges as inventors; those proposing improvements of a minor character enjoy privileges granted by instructions of the Inventions Committee of the Council of Labour and Defence.

All working people receiving compensation for inventions and improvements enjoy the privileges mentioned in Arts. 93 and 94.

These privileges are granted on the basis of certificates issued by the interested inventions' offices.

106. In the event of the death of the inventor or the person who made an improvement, the right to the compensation passes on to his heirs. The right to the privileges does not pass on to the heirs, excepting Arts. 93 and 94.